



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

April 26, 2006

SUBJECT: **2006-0341 – West Coast Martial Arts** [Applicant] **DeAnza Square** [Owner]: Application for a 1.4-acre site located at **1348 Mary Ave** (near Fremont Ave) in a C-1 (Neighborhood Business) Zoning District.

Motion Use Permit to allow a change of use for an approved martial arts work-out facility at the 3,971 square-foot space to a place of Education- Recreation and Enrichment.

REPORT IN BRIEF

Existing Site Conditions Vacant retail space in a larger retail shopping center

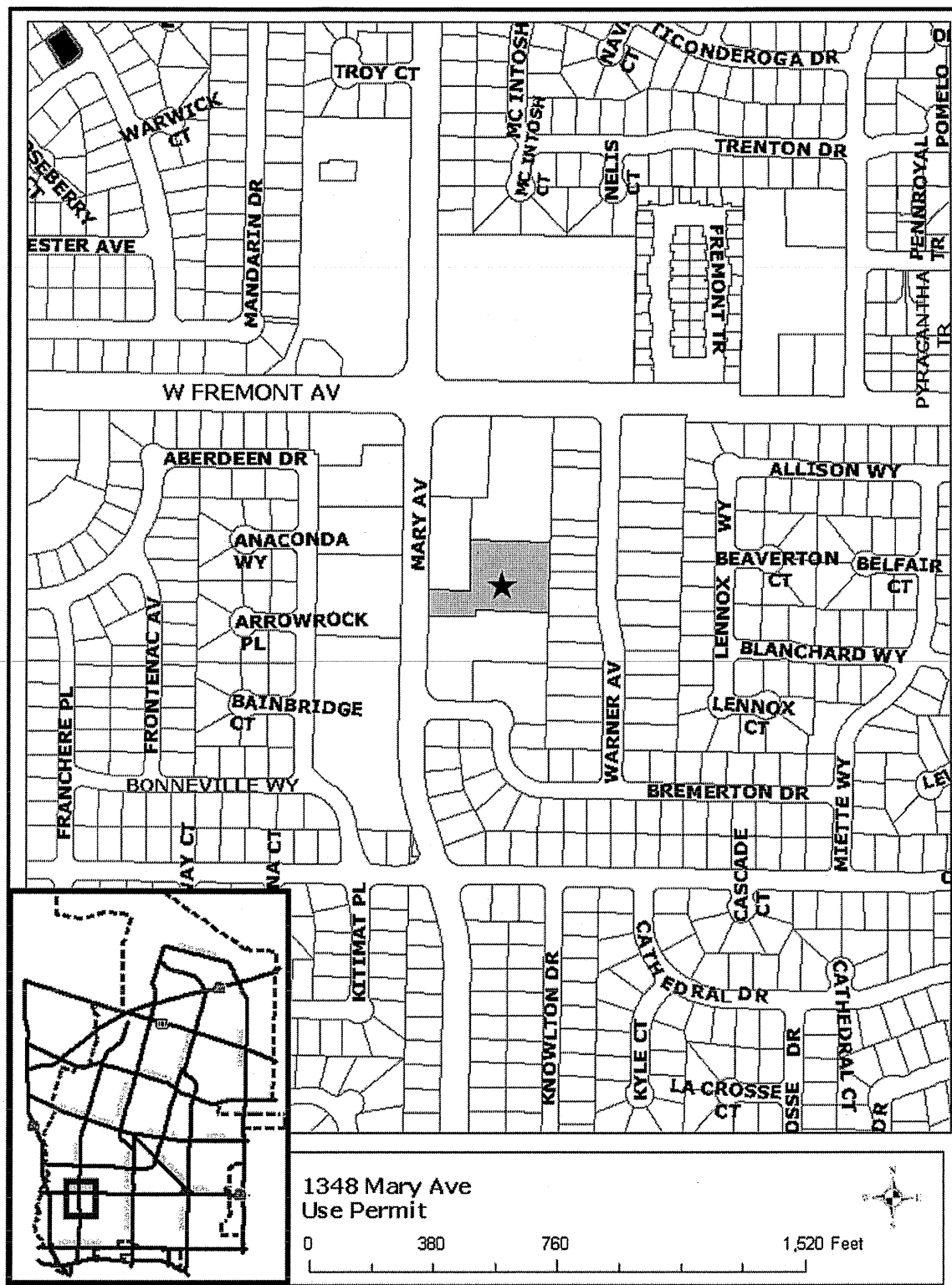
Surrounding Land Uses

North	Retail commercial
South	Single-family homes
East	Single-family homes
West	Offices

Issues Land use

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial, Neighborhood Shopping	Same	Commercial, Neighborhood Shopping
Zoning District	C-1	Same	C-1
Lot Size (s.f.)	7.3 acres	Same	None
Gross Floor Area (s.f.)	91,782	Same	111, 865 max.
Gross Floor Area of Tenant	3,971	Same	N/A
Lot Coverage (%)	29%	Same	35% max.
No. of Stories	1	Same	8 max.
Parking			
Total Spaces	404	Same	430 min.

ANALYSIS**Description of Proposed Project**

The application is to allow the change of use from an approved martial arts work-out area to a martial arts school located within a 3,971 square foot tenant space in an existing shopping center. The proposed use is to allow a facility for martial arts instruction. The proposed tenant space was previously occupied by a book store, which moved to a different location in the center. The space is currently vacant. The proposal does not include any exterior modifications to the site or building.

The proposed space is associated with an existing 5,200 square foot martial arts school, which is located immediately adjacent to the space. The proposed space was recently approved as work-out area for parents and children while other family members are attending classes at the existing martial arts school next door. The current application is to allow instruction and classes in the proposed space.

Background

The original permit (2006-0070) for the expansion space was to allow an area to be used for drop-in workouts. At the time of that approval, a moratorium

was in effect which prohibited applications for martial art schools in commercial or industrial zoned areas. As a result, the application was made for a drop-in workout area only, a use which is different from a place of instruction and was not subject to the moratorium. The approval for the workout area stated that separate application would be necessary if the applicant wanted to change the use to allow an expansion of the school at a later date.

The moratorium is no longer in effect for commercial properties, but the criteria for reviewing the applications were adopted and included in this report.

Previous Actions on the Site: The following table summarizes similar previous planning applications related to the subject shopping center site:

File Number	Brief Description	Hearing/Decision	Date
2006-0070	Work-out area	Approved	3/1/2006
2003-0720	Martial Arts school (adjacent space)	Approved	9/19/2003
2001-0083	Dance school	Approved	3/21/2001
1998-0255	Language school (space taken by current martial arts school)	Approved	5/13/1998

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions includes change of use.

Use Permit

Site Layout: The shopping center has multiple retail tenants, including restaurants, a bank, drug store and small shops. The proposed martial art school expansion space was previously occupied by a bookstore, but is currently vacant. The existing martial arts school is 5,200 square feet in size and is located adjacent to the proposed workout area. There is also a 25,600 square foot former grocery store which is vacant immediately adjacent to the existing martial arts school. The proposed 3,971 square foot space will have no exterior changes, and includes only minor interior modifications.

Use: The proposed martial arts instruction expansion area is planned to be open between the hours of 3 pm and 9 pm. There will be approximately 15-20 students per class and it is intended to be used by family members also using the adjacent space. The stated desire by the applicant is to allow parents of students to take class at the same time as their children.

Parking/Circulation: Currently, the site meets the parking requirement for retail uses. The entire site contains 430 spaces through the property. The 3,971 square foot space would utilize less than 10% of the existing buildings, so the standard parking rate of 1 space per 225 square feet would be used to calculate the parking requirements. The total number of spaces on site is 430 and the required number is 404 spaces. Therefore, the project meets the parking requirements.

The existing martial arts school plus the proposed expansion area totals 9,100 square feet, which does not exceed 10% of the existing building space, so the standard parking rate would be used should the two uses be combined. Also, there is no Use Permit issued for restaurants which exceed the 10% of total space; therefore, there is no existing use on site which takes a larger proportion of parking spaces.

Compliance with Development Standards/Guidelines: The zoning code requires that educational and recreation uses located in retail establishments not disrupt the flow of pedestrians between retail establishments. The proposed use is immediately adjacent to the existing martial arts school, which does not appear to disrupt the other retail establishments. The application meets all other development requirements. As discussed above, the parking requirements are met because the total square footage of the martial arts spaces does not exceed 10% of the total building square footage on site.

Expected Impact on the Surroundings: The proposed use will not cause a negative impact to the site or surrounding neighborhood. Staff has not received any negative feedback from the immediate area concerning either the existing martial arts school, or the proposed use.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 11 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

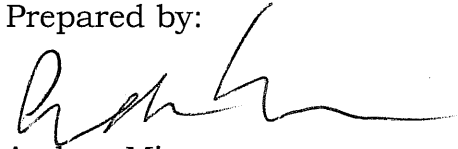
Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

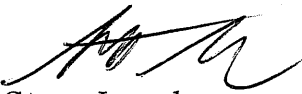
Alternative 1.

Prepared by:



Andrew Miner
Principal Planner

Reviewed by:



Steve Lynch
Associate Planner

Attachments:

- A. Recommended Findings
 - B. Recommended Conditions of Approval
 - C. Site and Architectural Plans
 - D. Letter from the Applicant
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Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.1 – *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

N1.1.1 *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

N1.1.4 *Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.*

Policy N1.14 *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project is associated with an existing use, which has shown to be a compatible use within the shopping center and neighborhood.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the project will have little impact on parking because most people using the proposed use will have arrived to the site with another person using the existing martial arts school. The existing martial arts school has been in place for over 3 years, and no complaints have been made about its location or use.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- C. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. Any expansion or modification of the approved use shall be approved by separate application.
- E. The martial arts school hours of operation is limited to 3:00 P.M.-9:00 P.M..
- F. The maximum number of students per class is limited to 20, and there is one class to be held in the subject space at one time.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

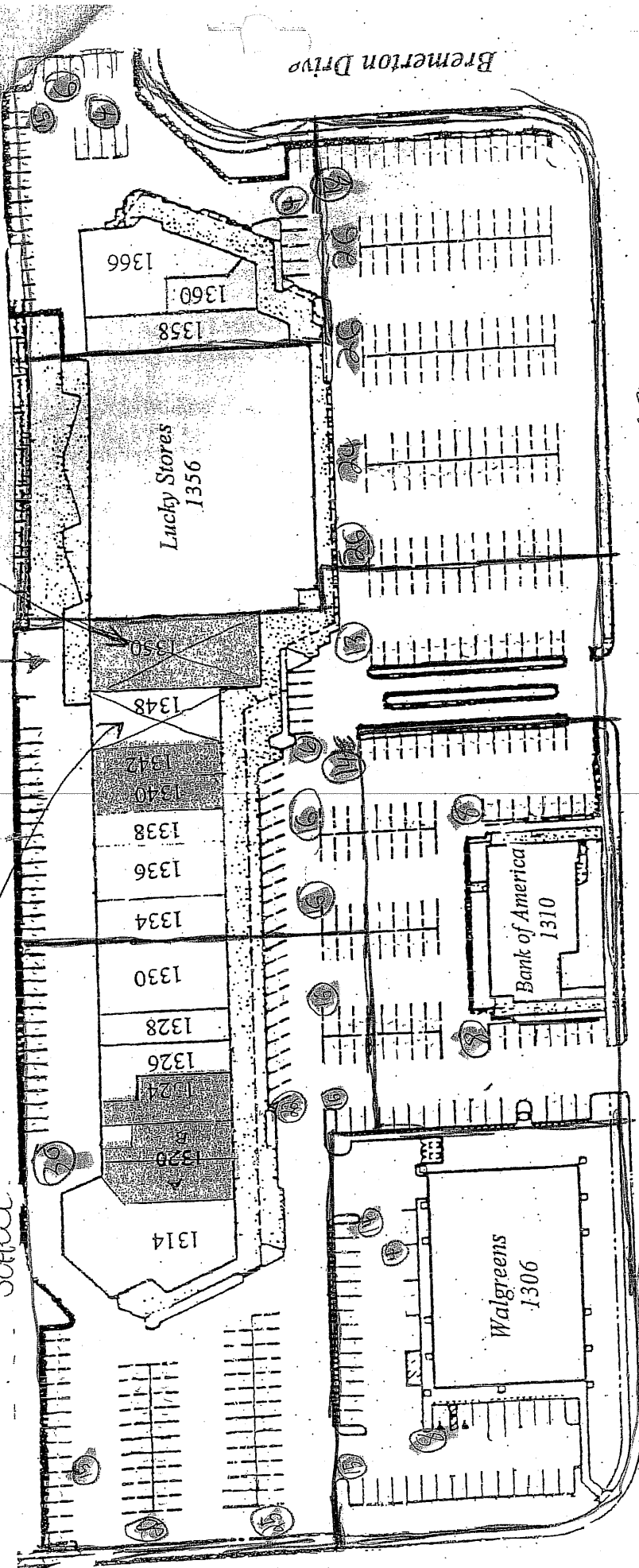
3. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code

De Anza Square Shopping Center
 1306 - 1366 South Mary Avenue
 Sunnyvale, CA 94087

PROPOSED NEW
 MARTIAL ARTS
 SCHOOL

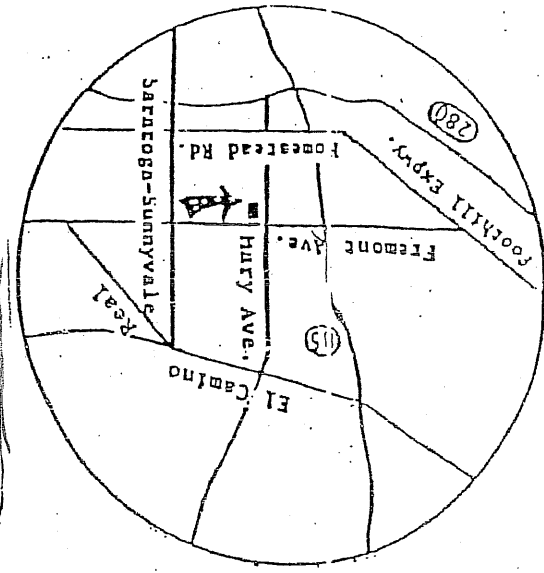
EXISTING
 MARTIAL ARTS SCHOOL



430 PARKING SPACES

Mary Avenue

Fremont Avenue



ATTACHMENT			Page
1314	Country Gourmet	1340	Vacant New India Bazaar
1320A	30-Minute Lady Circuit	1342	Pronto Pizza
1320B	Armed Forces Recruiting	1348	Vacant - Pronto Pizza
1324	Vacant Front Line Sports	1350	Vacant West Coast Martial Arts
1326	The Granary	1356	Vacant
1328	Vacant Lion - Lamb Bookstore	1358	DeAnza Square Cleaners
1330	Gloria's Fine Fashion	1360	Fariba's Beauty Center
1334	Marti's Dance Studio	1366	Pine Press
1336	The Fish Tank		
1338	Vacant New India Bazaar		

EXHIBIT A SITE PLAN



To Whom it May Concern:

March 30, 2006

This letter is to introduce myself and to ask permission to be granted a use permit in the city of Sunnyvale in order to expand my current location.

My name is Teri Lee. I have owned and operated a West Coast Martial Arts School here in Sunnyvale for the past eighteen years. My school is currently located at 1350 South Mary in the De Anza Shopping Center.

I have leased the space adjacent to mine and would like to expand my current location. This would allow me to expand my class schedule and accommodate the families in this community.

At the present time I have families from Sunnyvale that drive to my location three and four times a day so each family member can attend class. The purpose of the expansion is to accommodate these families. It would be easier for the families if they could all train at the same time regardless of their belt rank.

It would also benefit the city and the environment by saving on traffic and gas traveling to and from the school so many times per day. In order to do this, we need to have more space. The expansion would allow the parents of these students take class at the same time as their children.

This space would be open from 3:00 to 9:00 and have approximately 15 to 20 students per class, which is the same as the current space. The desire to increase our space is a direct result of the request from many families here in Sunnyvale to expand our schedule to accommodate them.

For almost twenty years I have been a business owner here in the City of Sunnyvale. I believe we are a very positive influence to this community. It would be a disservice to this community to not accommodate the many families that live here.

I have many letters in support of this expansion. Please contact me if you would like the letters of support.

Sincerely,

Teri Lee

Owner/Head Instructor
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